

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY )  
COMPANY, an insurance company )  
Incorporated in the State of Iowa; )  
V. ) CIVIL ACTION NUMBER  
OLLIE WADSWORTH; and ) 2:05 CV 602-T  
JOSEPH M. PEIL, )  
Defendants. )

RESPONSE TO FIRST AMENDED COMPLAINT  
FOR DECLARATORY JUDGMENT

Comes now Defendant Ollie Wadsworth and responds to the Plaintiffs First Amended Complaint for Declaratory Judgment as follows:

**AFFIRMATIVE DEFENSES**

For its affirmative defenses to the Amended Complaint, Wadsworth pleads the following:

**FIRST DEFENSE**

The Amended Complaint fails to state a claim for which relief can be granted.

**SECOND DEFENSE**

The Plaintiff's Amended Complaint is barred by the doctrines of waiver and/or estoppel.

**THIRD DEFENSE**

Wadsworth generally denies each and every material allegation of the Complaint and demands strict proof thereof.

**ANSWER**

1. Admitted.
2. Admitted.
3. This Defendant lacks sufficient information to admit or deny the allegations of paragraph 3 of the Amended Complaint.
4. Admitted.
5. Denied.

**UNDERLYING LAWSUIT**

6. Admitted.

**POLICY PROVISIONS**

7. Admitted.
8. Denied.
9. Denied.

**REQUESTED RELIEF**

Regarding the unnumbered paragraph containing the Plaintiff's request for relief, the Defendant denies that the Plaintiff is entitled to any of the relief requested.

**DONALD R. JONES, JR., P.C.**

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Attorneys for Defendant, Ollie Wadsworth

**CERTIFICATE OF SERVICE**

I hereby certify that on October 21, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Donald R. Jones, Jr.

Donald R. Jones, Jr.